IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.570 OF 1995.

The State of Maharashtra .. Appellant

vs.

Smt.Shantabai Balkya Bhagat
& Ors. .. Respondents

B.R.Patil, A.G.P.

None for the Respondent.

CORAM : D.G.DESHPANDE, J.

DATED : 20th january, 2005.

P.C. :

1. Heard the learned AGP for the appellant. Nobody is present for the respondent. This appeal is filed by the State challenging the award of compensation and enhancement granted to the claimant by the 2nd Additional District Judge, Raigad, by his judgment dated 22.9.1993.

2. The land acquired was from the village

Kamothe. It was 1900 sq. mt. The date of notification under section 4 was 3.2.1970. The claimant challenged the compensation granted by the SLAO by filing reference and the court granted Rs.14/- per sq.mt. even though the demand was for Rs.25/- per sq.mt. The learned APP fairly conceded that in the judgment of this Court in the group of appeals headed by First Appeal 754 of 1986 and other appeals, delivered by Justice Puranik and Justice Moharir on 25 and 26.02.1993, the Court awarded compensation at Rs.22/- per sq.mt. If the land was abutting Kamothe to said road within 1200 meters, he, therefore contended that since claimant has not filed any further appeal against the impugned judgment, there is no question of further enhancement.

3. In this view of the matter and looking to the aforesaid matter of the Division Bench and particularly when compensation awarded is Rs.14/- per sq.mt, no further deduction is necessary. The compensation is found to be proper and adequate. Hence appeal is dismissed. No order as to cost.

(D.G.Deshpande, J.)